

ORIGINAL

FLORENCE T. NAKAKUNI (2286)
United States Attorney
District of Hawaii

EDRIC M. CHING (6697)
Assistant U.S. Attorney
Room 6-100, PJKK Federal Bldg.
300 Ala Moana Boulevard
Honolulu, HI 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-3752
E-mail: Edric.Ching@usdoj.gov

Attorneys for Defendant
BAY CLINIC, INC. dba
KEAAU FAMILY HEALTH CENTER

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 07 2011 *mc*
at 4 o'clock and 05 min. PM
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MALIA RIDEOUT,

Plaintiff,

v.

TIM DJANG, DDS; BAY CLINIC,
INC. dba KEAAU FAMILY HEALTH
CENTER; KOKUA KALIHI VALLEY
COMPREHENSIVE HEALTH SERVICES;
and DOES 1-100,

Defendants.

CIVIL NO. **CV11 00362BMK**

(Civil No. 11-1-0080, Circuit
Court of the Third Circuit,
State of Hawaii)

NOTICE OF REMOVAL OF CIVIL
ACTION; EXHIBIT "A";
CERTIFICATION OF FLORENCE T.
NAKAKUNI; CERTIFICATE OF
SERVICE

NOTICE OF REMOVAL

Comes now, Defendant BAY CLINIC, INC., dba KEAAU FAMILY
HEALTH CENTER (Defendant "BAY CLINIC"), by and through its
undersigned attorneys, Florence T. Nakakuni, the United States
Attorney for the District of Hawaii and Assistant United States

Attorney Edric M. Ching, and sets forth the following facts on their behalf:

1. On February 17, 2011, Plaintiff's Complaint; Summons was filed in Rideout v. Djang, et al., Civil No. 11-1-0080, Circuit Court of the Third Circuit of the State of Hawaii ("Underlying Matter"), against Defendant TIM DJANG, DDS (Defendant DJANG); Defendant BAY CLINIC and Defendant KOKUA KALIHI VALLEY COMPREHENSIVE HEALTH SERVICES.

2. A copy of the Complaint; Summons filed in the Underlying Matter was provided to the United States Attorneys' Office for the District of Hawaii on June 2, 2011. A copy of the Complaint; Summons is attached hereto as Exhibit "A".

3. In the Complaint, Plaintiff alleges, in part, that Defendant BAY CLINIC may be liable for Plaintiff's injuries arising out of the dental services provided by Defendant DJANG at Defendant BAY CLINIC.

4. This notice of removal is filed pursuant to 28 U.S.C. § 1442(a)(1).

5. Upon removal of this matter to the United States District Court, the United States of America will be substituted as a defendant in this matter in place of Defendant BAY CLINIC.

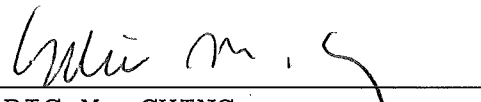
6. As established in the attached declaration of Florence T. Nakakuni, Defendant BAY CLINIC, by operation of the Federally Supported Health Centers Assistance Act, 42 U.S.C. § 233(g)-(n),

has been covered since January 1, 2008 by the provisions of the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq.

WHEREFORE, Defendant BAY CLINIC gives notice that the above-action now pending against it in the Circuit Court of the Third Circuit, State of Hawaii, is removed therefrom to this court.

DATED: June 7, 2011, at Honolulu, Hawaii.

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

By 
EDRIC M. CHING
Assistant U.S. Attorney

Attorneys for Defendant
BAY CLINIC, INC. dba
KEAAU FAMILY HEALTH CENTER